REMARKS

Claims 1-21 are pending in this application. Claims 1-21 are rejected.

Formal amendments are made to claims 13 and 18-21 to make an antecedent referent even clearer.

Reconsideration is requested.

Claim Rejections - 35 USC § 102

Claims 1-21 are rejected under 35 U.S.C. 102(a) as being fully met by U.S. Pat No. 6,278,048 B1 to Lee ("Lee '048"). Applicants traverse.

Claims 1-21 are rejected under 35 U.S.C. 102(a) as being fully met by either of U.S. Pat No. 6,025,553 to Lee ("Lee '553"), U.S. Pat. No. 5,606,143 to Young ("Young") and U.S. Pat. No. 5,808,224 to Kato ("Kato"). Applicants traverse.

The Examiner has not pointed to specific teachings within any of Lee, Young and/or Kato that meet all the limitations of applicant's claim 1 including a housing of approximately hand-held size; a memory within said housing for storing *coded audio event data*; a mechanism for downloading into said memory *coded audio event data*; and digital-audio electronics within said housing for retrieving *coded audio event data* from said memory, for converting said coded audio event data into an audio signal and for playing out said audio signal audibly to a user of said device.

Nor has the Examiner pointed to specific teachings of any of the prior art regarding all the limitations of applicant's claim 13 including storing *coded audio event data* in a memory contained within a portable hand-held device; reading said *coded event data* from the memory; processing said *coded audio event data* to produce an audio signal represented by said *coded audio event data*; and audibly out-playing said audio signal from the portable hand-held device.

Nor has the Examiner pointed to specific teachings of any of the prior art regarding all the limitations of applicant's claim 18 including storage firmware for storing *coded audio event data* in a memory contained within the portable hand-held device; access firmware for reading the *coded audio event data* stored in the memory; processor firmware for processing the *coded audio event data* from memory to produce an audio signal represented by the *coded audio event data*; and out-play firmware for audibly outplaying the audio signal from the portable hand-held device.

Nor has the Examiner pointed to specific teachings of any of the prior art regarding all the limitations of applicants' claim 20 including a mechanism for storing *coded audio event data* in a memory contained within a portable hand-held device; a mechanism for reading the *coded audio event data* stored in the memory; a mechanism for processing the *coded audio event data* read from the memory to produce an audio signal represented by said *coded audio event data*; and a mechanism for audibly out-playing said audio signal from the portable hand-held device.

Finally, the Examiner has not pointed to specific teachings of any of the prior art regarding the various dependent claims limitations.
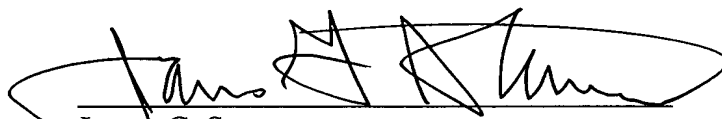
Accordingly, applicant submits that the Examiner has failed to make a *prima facie* case of anticipation or obviousness.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-21 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.
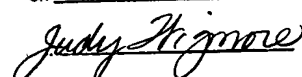
Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

James G. Stewart
Reg. No. 32,496

MARGER JOHNSON & McCOLLOM
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613

VERSION WITH MARKINGS TO SHOW CHANGES MADE
In the Claims

13. (Amended) A method of storing for synthesis and out-play coded audio event data recordings in a portable hand-held device, the method comprising:

storing coded audio event data in a memory contained within a portable hand-held device;

reading said coded audio event data from the memory;

processing said coded audio event data to produce an audio signal represented by said coded event data; and

audibly out-playing said audio signal from the portable hand-held device.

18. (Amended) An article of manufacture for use with a portable hand-held device for storing for synthesis and out-play of coded audio event data recordings, the article comprising a computer-readable medium containing a program, the program comprising:

storage firmware for storing coded audio event data in a memory contained within the portable hand-held device;

access firmware for reading the coded audio event data stored in the memory;

processor firmware for processing the coded audio event data read from memory to produce an audio signal represented by the coded audio event data; and

out-play firmware for audibly outplaying the audio signal from the portable hand-held device.

19. (Amended) A computer-readable medium containing a program according to claim 16, wherein the program further comprises:

download firmware for downloading the coded audio event data to the portable hand-held device from a remote processor.

20. (Amended) A portable hand-held apparatus for synthesizing audio scores, the apparatus comprising:

a mechanism for storing coded audio event data in a memory contained within a portable hand-held device;

a mechanism for reading the coded audio event data stored in the memory;

a mechanism for processing the coded audio event data read from the memory to produce an audio signal represented by said coded audio event data; and

a mechanism for audibly out-playing said audio signal from the portable hand-held device.

21. (Amended) The apparatus of claim 20 which further comprises:

a mechanism for downloading the coded audio event data to the portable hand-held device from a remote processor.